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Comcast employee's discrimination case reinstated

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Judy Greenwald

A federal appeals court reversed a lower court Tuesday and reinstated a discrimination case filed by a former Comcast Inc. employee who was terminated while on leave recovering from a brain hemorrhage.

Gloria Rodriguez, a former customer service representative for the Philadelphia-based telecommunications company, charged Comcast terminated her employment in violation of the California Fair Employment and Housing Act, the state's anti-discrimination law, according to court papers in *Gloria Rodriguez v. Comcast Inc.*



Ms. Rodriguez contended Comcast's failure to provide a reasonable accommodation by granting her the requested additional time off violated the FEHA.

Ms. Rodriguez filed suit in U.S. District Court in San Francisco, charging disability discrimination, failure to accommodate, failure to engage in an interactive process and retaliation.

The court granted Comcast's motion for summary judgment dismissing the case. That ruling was unanimously overturned by a three-judge panel of the 9th U.S. Circuit Court of Appeals in San Francisco.

"The district court erred in granting summary judgment on Rodriguez's FEHA claims because of perceived inconsistencies between her representations to the Social Security Administration regarding her disabling condition and her FEHA claims," said the appeals court.

"A close examination of the statements she made to the SSA demonstrates that the statements were subject to multiple interpretations," said the panel, in reinstating Ms. Rodriguez's claims for disability discrimination, failure to accommodate and failure to engage in an interactive process.

The court also reinstated Ms. Rodriguez's retaliation claim, stating the FEHA prohibits an employer from retaliating against an employee for engaging in protected activity.

Comcast's attorney did not respond to a request for comment. Ms. Rodriguez's attorney, San Francisco-based Daniel Ray Bacon, said Ms. Rodriguez had worked for Comcast for 25 years when she developed the symptoms that led to her brain surgery. He said her physician had recommended she return to work in March 2016, but she was terminated verbally over the phone in November 2015.

In December, a federal appeals court overturned a lower court ruling and [reinstated](#) a disability discrimination suit filed by a former nursing home licensed practical nurse, who said her employer pressured her to work more than a 12-hour day despite her medical professionals' recommendation she not do so.